App F IX 4

Previous References

1946
(ml

File No 41-46
Serial Nos 124, 125

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos
Two

Part B for July

SUBJECT

Filling up of a Casual Vacancy in the Municipal Council at Hubli by holding a by-election

K 167 & 3.7.46

To
The Deputy Superintendent
Approval of the proposal
The Municipal Council

General and Revenue Secretariat | File No | of 194

Serial No

From the Deputy Commissioner, Mysore District
No D3 - C 4117/46-47 dt 25 5 47.

Requests motion as to whether the holding of bye election to a vacancy in the Hunsur Town Mil Council may not be dropped, in view of the term between the date of resignation and the date of expiry of the term of the Mil Council being very short.

The President, Hunsur Town Mil Council reports that a vacancy has arisen in the Council on account of the resignation of one of the Councillors on 22 4 47

It is reported that the term of the Mil Council expires on 30 9 1947 The President considers that there is no necessity to hold a bye-election, to fill up the vacancy, for the following reasons:- i) the interval between the date of resignation (22-4-1947) and the expiry of the term of the ~~office~~ Council (30 9 1947) is very short (ii) the re-constitution is due to be effected from 1-10-1947 Revision of Voters' list will have to begin by the end of this month and all preliminary proceedings should be pushed through to hold general elections probably by the beginning of Sept 47 as may be fixed

The D.C. solicits motion in the matter

As per Sect 16 of the Mysore Town Mils Act 1933 such casual vacancies, shall be filled up, as soon as convenient, ~~may be~~, by the election or appointment, as the case may be But the effect of not filling up the vacancy has not been mentioned any where, in the said Act On the other hand, Sect 36(3) of the Act states that the vacancy shall not affect the Mil Council's proceedings and the continuing Councillors or members may act as if no vacancy had occurred

File No 533/Ins of 194 | General and Revenue Secretariat

Serial No

~~Decided~~ The opinion of the Law Secy may perhaps be obtained in the matter

2/6 ——— Mr Law secretary may be consulted in the matter

Law Secy 20/6/47

Law Secy to C.S. 20/6/47

21 JUN 1947

Under sec 16 of the Town Municipalities Act, when a casual vacancy occurs by a person elected or appointed to be a councillor by resignation, the vacancy shall be filled up as soon as conveniently may be by the election or appointment, as the case may be, of a person thereto who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred

Vacancies are of two kinds ordinary or casual Ordinary vacancies occur when the councillors go out of office in due course at the expiry of the term, and casual vacancies occur by death, non-acceptance of office, resignation, bankruptcy etc On the occurrence of vacancies, they must be filled up at once as prescribed by statute In the present case, the words "as soon as conveniently may be" indicate that the election may on considerations of administrative convenience and expediency, be postponed to the ~~annual election~~ date of annual election

Fr 21/6

Fr 22/6

Law Secy) Fr 24/6

RW Secy) WC) Fr 25/6

22 JUN 1947

24 JUN 1947

9655

App F III 42

General and Revenue Secretariat | File No | of 194

Serial No

The vacancy that has arisen on the Municipal Council Kumbakonam is a casual one. The Reconstitution of the Council is to come off on 1.10.47. Hence the President desires that the vacancy which is caused by the resignation of Rao S. R. Ranjappa one of the Councillors need not be filled up pending Reconstitution of the Council. The D.C also supports this proposal

It may perhaps be appropriate for the Law Secy also to ~~give~~ express the same view

Minister? Rev & Com's?

26/6/47

Sp letter 28/6

30/6

OFFICE OF THE MINISTER FOR REVENUE
No. 11738
Date 27-6-47

Sheet

9655
L

File No of 194

General and Revenue Secretariat

Serial No

Subd hrto a draft for approval

BDS

1/7

To

H D (Imp) Draft

No L 167/3-7-47

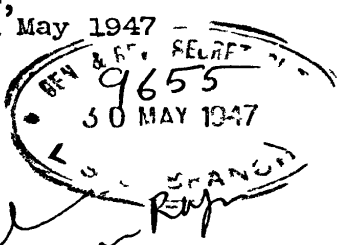
Approves of the proposal of the Govt of

B
317

DRO 41-46-124

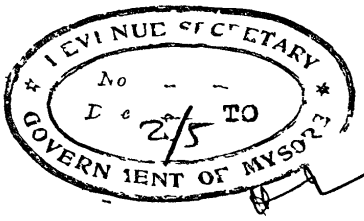
No D3 C 4117/46-47.
En one

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,
Mysore, dated the 25th May 1947 -



FROM

G N NAGARAJA RAO, Esq , M Sc ,
Deputy Commissioner,
Mysore District



H N PALLEGAR, Esq , M A , LL B.,
Secretary to Government,
Revenue Department, Bangalore

Sir,

Subject - Filling up a casual vacancy in the Municipal Council at Hunsur by holding a bye-Election

In forwarding herewith a report No H C 74/46 dated 2nd May 1947 received from the Town Municipal Council, Hunsur on the above subject, I have the honour to state that it is reported that one of the councillors M. S R Nanjappa tendered his resignation for the councillorship on 22-4-1947 and that a vacancy has arisen to be filled up by holding a bye-election as per rules

In the ordinary course, bye-election is held and the vacancy is filled up But now as matters stand the term of the existing constitution will expire on 30-9-1947 and General Elections are to be held for reconstitution of the council The President considers that the interval between the date of resignation and the date of expiry of the term is very short and that consequently there is necessity to hold a bye-election The reconstitution is due to be effected from 1st October 47 Revision of Voter's list will have to begin by the end of this month and all preliminary proceedings should be pushed through to hold general election probably by the beginning of September 47 as may be fixed

The President has sought instructions in these circumstances as to whether the holding of bye-election may not be dropped I

I solicit the favour of instructions in

I have the honour to be,
sir,
Your most obedient servant,
Sd Suryanarayana Rao
Deputy Commissioner
Mysore District

RMS

Urgent

To HE-74/166

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL COUNCIL

Hunsur 2nd May 1947

From

THE PRESIDENT
Town Municipal Council
HUNSUR

22-4-47
30 9.47
Interval 5-22 22 Posted also
Post 5-0
5/5

To

THE DEPUTY COMMISSIONER
Mysore District MYSORE

Date of Voting Slip post
not less than 3 months
prior to date of expiry
Ser of the term i.e 1st July 47 in this case

One Vacancy in the Municipal Council

I have the honour to State that one M V S R Nanjappa, Municipal Councillor tendered his resignation for his office of Municipal Councillor on 22 4 1947 The present municipal council expires on 30th Sep. 1947 under rule 13 of the Town Municipal act 1933 The office of the municipal Councillor became Vacant with effect from 22 4 47 and action to fill up the Vacancy under rule 16 has to be taken As the term expires on 30th Sept, 1947 the necessity for holding a by-election to fill up the one Vacant Seat is not found 'reasonable' for the very Short period

However, action for the general elections to re-Constitute the municipal Council with effect from 1st Oct, 1947 will be taken up and in the circumstances

Stated above instructions are solicited whether a by-elect to fill up the above vacancy is quite necessary Early orders in the matter is requested

I have the honour to be
Sir,
Your Most Obedient Servant

M. R. Raja Gopala Gowda
PRESIDENT
TOWN MUNICIPAL COUNCIL
HUNSUR

OFFICE OF THE DEPUTY COMMISSIONER
No. 1695
- 4 MAY 1947
MYSORE DISTRICT

1245

Term of Councillors will expire on 30-9-47.
Resignation of Councillor 22-4-47 } 5-22 — 22 days
5-0 Bal

Election 47 if By. election May-47
(Notice Chairman prior to date of expiry of the term)

Sub: One of the Councillors Mr. Raja Naiyappa has resigned on 22-4-47. Bye-election is to be held to fill up the vacancy.

1) The term of the Council will expire on 30-9-47, and general elections will have to be held for reconstitution of the Council. It is stated that the interval between the date of resignation and the date of termination of council is so short that a bye-election to fill up the vacancy appears (to be not reasonable / unnecessary)

2) The Revision of the Voters' list will have to be taken up by the end of May 47 and preliminary acts pushed through / all are after the other thereafter

3) The President has sought instructions if in these circumstances Bye election may be dropped -

The facts may be referred to Govt for orders

Replied vide letter dated 8/5/47

15/5

17/5

No L 187 /M/41-46-125
Dt 3/7/47

To
The D C Nilgiris Dist.

Sir,

Subject - Filling up a casual vacancy in the municipal Council at Hunsur by holding a bye-election

With refer to your letter no D3-C 4117/46-47 dated 25-5-1947, on the above subject, I am directed to convey the approval of Govt to your recommendation ~~of the proposal of the Hunsur town municipal~~ proposed that the vacancy caused by the resignation of Mr S R Nanjappa, one of the

vacancies need not be
filled pending reconstitution
of the council

I have etc.,

for Alan Leary